

UNDER SEAL**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 371
 18 U.S.C. § 922(a)(1)
 18 U.S.C. § 922(o)
 26 U.S.C. § 5861(d)

Petty
 Minor
 Misdemeanor
 Felony

PENALTY: Imprisonment of up to 10 years, fine of \$250,000 per felony conviction, 3 years of supervised release, \$100 special assessment, forfeiture, denial of federal benefits.

Name of District Court, and/or Judge/Magistrate location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

NOV - 7 2019

FILED

DEFENDANT - U.S. **SUSAN Y. SOONG**
 CLERK, U.S. DISTRICT COURT
 William Alexis Villa NORTH DISTRICT OF CALIFORNIA

DISTRICT COURT NUMBER**VC****CR 19 0592****DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.
 1) If not detained give date any prior summons was served on above charges

2) Is a Fugitive3) Is on Bail or Release from (show District)**IS IN CUSTODY**4) On this charge5) On another conviction

} Federal State

6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer Yes
 been filed? No

} If "Yes"
 give date
 filed

Month/Day/Year

DATE OF ARREST

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

 This report amends AO 257 previously submitted

Name and Office of Person
 Furnishing Information on this form David L. Anderson

U.S. Attorney Other U.S. Agency

Name of Assistant U.S.
 Attorney (if assigned) Barbara J. Valliere

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

ADDITIONAL INFORMATION OR COMMENTS

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NOV - 7 2019

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SUSAN Y. SOONG

CLERK, U.S. DISTRICT COURT
 Francisco Nunez-Nepita
 NORTH DISTRICT OF CALIFORNIA

DISTRICT COURT NUMBER

CR 19 0592 VC

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Bureau of Alcohol, Tobacco, and Firearms

person is awaiting trial in another Federal or State Court,
 give name of court

this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprocution of
 charges previously dismissed
 which were dismissed on motion
 of:

U.S. ATTORNEY DEFENSE

this prosecution relates to a
 pending case involving this same
 defendant

prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

SHOW
 DOCKET NO.
 }

MAGISTRATE
 CASE NO.
 }

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 Furnishing Information on this form David L. Anderson

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BY: COMPLAINT INFORMATION INDICTMENT
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OFFENSE CHARGED

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 18 U.S.C. § 922(a)(1)
 26 U.S.C. § 5861(d)

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NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

NOV -7 2019

DEFENDANT - U.S.

SUSAN Y. SOONG

CLERK, U.S. DISTRICT COURT
 NORTH DISTRICT OF CALIFORNIADISTRICT COURT NUMBER
 CR 19 0592 VC

PROCEEDING

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Bureau of Alcohol, Tobacco, and Firearms

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this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprocsecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

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MAGISTRATE CASE NO.
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Name and Office of Person Furnishing Information on this form David L. Anderson

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) Barbara J. Valliere

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Defendant Address:

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Date/Time: _____ Before Judge: _____

Comments:

UNDER SEAL

United States District Court **FILED**

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

NOV -7 2019

VENUE: SAN FRANCISCO

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

VC

v.

CR 19 0592

WILLIAM ALEXIS-VILLA
FRANCISCO NUNEZ-NEPITA, and
ERIK ACEVEDO-CRUZ,

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 371 – Conspiracy to Deal in Firearms Without a License;
18 U.S.C. § and 922(a)(1)(A), and 2 – Dealing in Firearms Without a License and
Aiding and Abetting;
18 U.S.C. § 922(o), and 2 — Possession of a Machinegun and Aiding and Abetting;
26 U.S.C. § 5861 (d) — Possession of an Unregistered Firearm;
18 U.S.C. § 924(d), 28 U.S.C. § 2461 (c) - Forfeiture
Allegations

A true bill.

Foreman

Filed in open court this 7 day of NOV 20 19

ROSE MAHER

Clerk

THOMAS S. HIXSON
UNITED STATES MAGISTRATE JUDGE

Bail, \$ _____

NO BAIL WARRANT

1 DAVID L. ANDERSON (CABN 149604)
2 United States Attorney

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UNDER SEAL

FILED

NOV -7 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

VC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

CR 19 0592

UNITED STATES OF AMERICA,

) CASE NO.

Plaintiff,

) VIOLATION:

v.
WILLIAM ALEXIS-VILLA,
FRANCISCO NUNEZ-NEPITA, and
ERIK ACEVEDO-CRUZ,

) 18 U.S.C. § 371 – Conspiracy to Deal in Firearms
Without a License; 18 U.S.C. § 922(a)(1)(A), and 2 –
Dealing in Firearms Without a License and Aiding
and Abetting; 18 U.S.C. § 922(o), and 2 – Possession
of a Machinegun and Aiding and Abetting; 26 U.S.C.
§ 5861(d) – Possession of an Unregistered Firearm;
18 U.S.C. § 924(d), 28 U.S.C. § 2461(c) – Forfeiture
Allegations

Defendants.

) Under Seal

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 371 – Conspiracy to Deal in Firearms Without a License)

Introductory Allegations

At all times relevant to this Indictment:

1. Defendant William ALEXIS-VILLA (ALEXIS-VILLA) was a resident of Menlo Park,
California.

2. Defendant Francisco NUNEZ-NEPITA (NUNEZ-NEPITA) was a resident of East Palo
Alto, California.

3. Defendant Erik ACEVADA-CRUZ (ACEVADA-CRUZ) was a resident of Fremont, California.

4. Instagram was a social networking application or service, which is commonly used to share photographs and videos, as well as exchange messages between users. Defendants NUNEZ-NEPITA and ALEXIS-VILLA used Instagram accounts.

5. At all times relevant to this Indictment, none of the defendants named herein were licensed to import, manufacture, or deal firearms under the provision of Chapter 44, Title 18, United States Code.

Object of the Conspiracy

6. Beginning at a time unknown to the Grand Jury, but no later than on or about June 18, 2019, and continuing to on or about November 7, 2019, in the Northern District of California, the defendants,

WILLIAM ALEXIS-VILLA,
FRANCISCO NUNEZ-NEPITA, and
ERIK ACEVEDO-CRUZ,

not being licensed importers, licensed manufacturers, and licensed dealers of firearms, within the meaning of Chapter 44, Title 18, United States Code, did unlawfully and knowingly combine, conspire, and agree together and with each other to commit an offense against the United States, specifically, dealing in firearms without a license, in violation of Title 18, United States Code, Section 922(a)(1)(A).

Manner and Means

7. Defendants ALEXIS-VILLA, NUNEZ-NEPITA, and ACEVEDO-CRUZ would obtain firearms for the purpose of illegally selling and purchasing firearms to sell in the Northern District of California. During the timeframe referenced in this Indictment, defendants ALEXIS-VILLA, NUNEZ-NEPITA, and ACEVEDO-CRUZ repeatedly met with a third-party purchaser to conduct firearms sales.

8. Defendants ALEXIS-VILLA, NUNEZ-NEPITA, and ACEVEDO-CRUZ advertised, negotiated, and/or conducted firearms sales in a variety of ways, including in person at the residence of ALEXIS-VILLA, via text messages, and via Instagram. At various times, ALEXIS-VILLA and ACEVEDO-CRUZ described to the third-party purchaser their ready access to a variety of firearms for

1 sale.

2 Overt Acts

3 9. In furtherance of the conspiracy, and to accomplish its objects, the defendants and others
 4 committed various overt acts in the Northern District of California and elsewhere, including but not
 5 limited to the following:

6 (a) On or about August 6, 2019, FRANCISCO NUNEZ-NEPITO advertised on his
 7 Instagram account that he has a firearm for sale.

8 (b) On or about August 6, 2019, FRANCISCO NUNEZ-NEPITO and the third-party
 9 purchaser communicated via text message. During those communications, FRANCISCO NUNEZ-
 10 NEPITO stated that he has a “fully” automatic Glock firearm for sale for \$1400. FRANCISCO
 11 NUNEZ-NEPITO sent a photograph of the firearm to the third-party purchaser via text message.

12 (c) On or about August 6, 2019, NUNEZ-NEPITO informed the third-party purchaser
 13 that his “friend” would conduct the transaction that day.

14 (d) On or about August 6, 2019, ALEXIS-VILLA and the third-party purchaser
 15 traveled to ALEXIS-VILLA’s residence in Menlo Park (hereafter, “the residence”) to complete the
 16 firearm transaction. While en route, ALEXIS-VILLA provided a list of the firearms that he could obtain
 17 for sale in the future, including “fully automatic” weapons.

18 (e) On or about August 6, 2019, ALEXIS-VILLA provided the third-party purchaser
 19 with a Glock firearm with a “switch” and nine rounds of ammunition in exchange for \$1400.

20 (f) On or about August 6, 2019, ALEXIS-VILLA informed the third-party purchaser
 21 that, in the future, he wants to communicate via Instagram because he fears that the police can get access
 22 to his telephone records.

23 (g) On or about August 6, 2019, after the firearm transaction, ALEXIS-VILLA
 24 confirmed that he can supply additional firearms for sale.

25 (h) On or about August 13, 2019, ALEXIS-VILLA communicated with the third-
 26 party purchaser via his Instagram account to negotiate the sale of additional firearms. In those
 27 communications, ALEXIS-VILLA transmitted photographs to the third-party purchaser of the firearms
 28 he was seeking to sell.

(i) On or about August 13, 2019, ALEXIS-VILLA arranged to meet with the third-party purchaser at the residence to sell two firearms to the third-party purchaser.

(j) On or about August 13, 2019, before the third-party purchaser arrived, ACEVEDO-CRUZ arrived at the residence and delivered firearms to ALEXIS-VILLA.

(k) On or about August 13, 2019, ACEVEDO-CRUZ and ALEXIS-VILLA met with the third-party purchaser at the residence in Menlo Park, and sold the third-party purchaser two rifles in exchange for \$3400.

(l) On or about August 13, 2019, after the transaction, ACEVEDO-CRUZ told the third-party purchaser that he could obtain more firearms for the third-party purchaser.

(m) On or about October 10, 2019, ALEXIS-VILLA contacted the third-party purchaser via Instagram and informed the third-party purchaser that ALEXIS-VILLA had a Glock handgun for sale. ALEXIS-VILLA sent to the third-party purchaser via Instagram a photograph of himself and ACEVEDO-CRUZ holding the firearms that they wanted to sell.

(n) On or about October 10, 2019, ACEVEDO-CRUZ texted the third-party purchaser and informed the third-party purchaser that he would conduct the firearms transaction at the residence.

(o) On or about October 10, 2019, the third-party purchaser met ACEVEDO-CRUZ at the residence and ACEVEDO-CRUZ provided the third-party purchaser with three firearms in exchange for \$3,500.

(p) On or about October 10, 2019, after the transaction, WILLIAM ALEXIS-VILLA texted the third-party purchaser the following message: "hope you like un."

All in violation of Title 18, United States Code, Sections 371 and 922(a)(1)(A).

COUNT TWO – (18 U.S.C. §§ 922(a)(1)(A), and 2 – Dealing in Firearms Without a License, Aiding and Abetting)

10. Beginning on a date unknown to the Grand Jury, but no later than June 18, 2019, and continuing to on or about November 7, 2019, in the Northern District of California, the defendants,

WILLIAM ALEXIS-VILLA,
FRANCISCO NUNEZ-NEPITA, and
ERIK ACEVEDO-CRUZ,

1 not being licensed dealers of firearms within the meaning of Chapter 44, Title 18, United States Code,
2 did willfully engage in the business of dealing in firearms, and did aid and abet each other in the same.

3 All in violation of Title 18, United States Code, Sections 922(a)(1)(A), 923(a), 924(a)(1)(D), and
4 2.

5 COUNT THREE: (18 U.S.C. § 922(o), and 2 – Possession of a Machinegun, Aiding and Abetting)

6 On or about August 6, 2019, in the Northern District of California, the defendants,

7 WILLIAM ALEXIS-VILLA, and
8 FRANCISCO NUNEZ-NEPITA,

9 knowingly and unlawfully possessed, or aided and abetted the possession of, a machinegun (any part
10 designed and intended solely and exclusively for use in converting a weapon into a weapon that shoots
11 and is designed to shoot automatically more than one shot, without manual reloading, by a single
12 function of the trigger), specifically, a device commonly known as a “Glock switch.”

13 All in violation of Title 18, United States Code, Section 922(o).

14 COUNT FOUR: (26 U.S.C. §§ 5861(d) – Possession of Unregistered Firearm)

15 On or about August 6, 2019, in the Northern District of California, the defendant,

16 WILLIAM ALEXIS-VILLA,

17 did knowingly and unlawfully possess a machinegun (any part designed and intended solely and
18 exclusively for use in converting a weapon into a weapon that shoots and is designed to shoot
19 automatically more than one shot, without manual reloading, by a single function of the trigger),
20 specifically, a device commonly known as a “Glock switch,” which was not registered in the National
21 Firearms Registration and Transfer Record.

22 All in violation of Title 26, United States Code, Section 5861(d).

23 COUNT FIVE: (26 U.S.C. § 5861(d) – Possession of Unregistered Firearm)

24 On or about August 13, 2019, in the Northern District of California, the defendant,

25 WILLIAM ALEXIS-VILLA,

26 did knowingly possess a firearm, to wit, one black, short barreled rifle, serial number N002830, with a
27 barrel less than 16 inches in length and an overall length of less than 26 inches, knowing that the barrel

1 was less than 16 inches in length and the overall length was less than 26 inches, which was not
2 registered in the National Firearms Registration and Transfer Record.

3 All in violation of Title 26, United States Code, Section 5861(d).

4 COUNT SIX: (26 U.S.C. § 5861(d) – Possession of Unregistered Firearm)

5 On or about August 13, 2019, in the Northern District of California, the defendant,

6 ERIC ACEVEDO-CRUZ,

7 did knowingly possess a firearm, to wit, one black, short barreled rifle, serial number N002830, with a
8 barrel less than 16 inches in length and an overall length of less than 26 inches, knowing that the barrel
9 was less than 16 inches in length and the overall length was less than 26 inches, which was not
10 registered in the National Firearms Registration and Transfer Record.

11 All in violation of Title 26, United States Code, Section 5861(d).

12 FORFEITURE ALLEGATION: (18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c))

13 The allegations contained in the sole count of this Indictment are re-alleged and incorporated by
14 reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)
15 and Title 28, United States Code, Section 2461(c).

16 Upon conviction of the offense set forth in this Indictment, the defendant,

17 WILLIAM ALEXIS-VILLA,
18 FRANCISCO NUNEZ-NEPITA, and
19 ERIK ACEVEDO-CRUZ,

20 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28,
21 United States Code, Section 2461(c), any firearm and ammunition involved in the commission of the
offense, including, but not limited to, the following property:

- 22 a. Ruger Mini 14 Ranch Rifle, serial number 18751332;
- 23 b. 3 .223 caliber magazine;
- 24 c. P80 .40 caliber Glock, no serial number;
- 25 d. 9 rounds of .40 caliber ammunition;
- 26 e. AR style short-barreled rifle, serial number N002830;
- 27 f. AR style rifle, no serial number;
- 28 g. 2 magazines of .223 ammunition;

- 1 h. Taurus International PT735 handgun, serial number ID072371;
- 2 i. Glock 48 handgun, serial number BLBH160;
- 3 j. A Glock style handgun with polymer frame, no serial number; and
- 4 k. 26 rounds of .40 caliber ammunition.

5 If any of the property described above, as a result of any act or omission of the defendant:

- 6 a. cannot be located upon exercise of due diligence;
- 7 b. has been transferred or sold to, or deposited with, a third party;
- 8 c. has been placed beyond the jurisdiction of the court;
- 9 d. has been substantially diminished in value; or
- 10 e. has been commingled with other property which cannot be divided without
- 11 difficulty,

12 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
13 United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

14 All pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code,
15 Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

16
17 DATED:

18 7 NOV 2019

A TRUE BILL.



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FOREPERSON
San Francisco

DAVID L. ANDERSON
United States Attorney

BARBARA J. VALLIERE
Assistant United States Attorney

FILED

NOV -7 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

UNDER SEAL

CRIMINAL COVER SHEET

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA v. WILLIAM ALEXIS-VILLA et al

CASE NUMBER:

CR 19 0592

VC

Is This Case Under Seal?

Yes No

Total Number of Defendants:

1 2-7 8 or moreDoes this case involve ONLY charges
under 8 U.S.C. § 1325 and/or 1326?Yes No

Venue (Per Crim. L.R. 18-1):

SF OAK SJ

Is this a potential high-cost case?

Yes No Is any defendant charged with
a death-penalty-eligible crime?Yes No

Is this a RICO Act gang case?

Yes No Assigned AUSA
(Lead Attorney): AUSA Barbara J. Valliere Date Submitted: 11/07/2019

Comments: